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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

HENRY C. VANTHA

CIVIL ACTION NO. 09-375

VERSUS

UNITED STATES OF AMERICA  
and JOE KEFFER

DISTRICT JUDGE DEE D. DRELL  
MAGISTRATE JUDGE JAMES D. KIRK

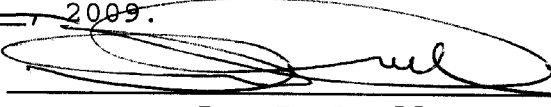
**J U D G M E N T**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent (de novo) review of the record including the objections filed by petitioner, and having determined that the findings and recommendation are partially correct under the applicable law;

**IT IS ORDERED** that, defendants' motion to dismiss (Doc. Item 6) be GRANTED IN PART and plaintiff's Federal Tort Claims Act claims be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.

**IT IS FURTHER ORDERED** that plaintiff's Bivens claims are, for now, allowed to go forward toward discovery. The Death Certificate filed in opposition, not discussed nor dealt with in the Report and Recommendation, has provided enough facts to allow discovery to proceed.

**THUS DONE AND SIGNED**, in chambers, in Alexandria, Louisiana,  
on this 30<sup>th</sup> day of December, 2009.

  
Dee D. Drell  
UNITED STATES DISTRICT JUDGE